

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BERNARD ANDREAS et al.

Application No.: 08/883,246

Filed: June 26, 1997

For: DEVICE AND METHOD FOR
SUTURING TISSUE

Examiner: JACKSON, G.

Art Unit: 3731

PETITION UNDER 37 CFR §1.47

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The above-referenced patent application claims priority back to Application No. 07/989,611, filed on December 10, 1992. As is described in the Amendment mailed on April 23, 2001, Applicants are filing a separate Petition to Change Inventorship under 37 CFR §1.48 since it has become apparent that all inventors named on the original 1992 filing should be named as inventors herein. Additionally, because of the amendments made to the claims (as submitted in the amendment mailed April 23, 2001), Applicants wish to submit their Supplemental Declaration supporting such new claims.

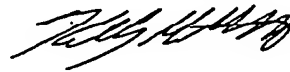
As explained in the accompanying Declaration of Daniel J. Hulseberg, one of the inventors needed to sign the Supplemental Declaration cannot be located or is being uncooperative. A copy of the application, Supplemental Declaration, and all other papers necessary for that inventor (Bryan Gore) to execute the Supplement Declaration were sent to Mr. Gore. Mr. Gore has not responded and it appears that Mr. Gore will not respond.

Certain of the cooperating inventors and representatives of their Assignee have made diligent efforts to obtain the signature of Mr. Gore. Proof of the diligent efforts, including documentary evidence of the attempts to reach Mr. Gore, is presented in the form of Declaration of Daniel J. Hulseberg accompanying this Petition.

The last address known with certainty for Mr. Gore is that shown on the original Declaration in this application. It is known to the Assignee that Mr. Gore had moved from this address, and that he had likely moved to the state of Florida. Mr. Hulseberg made a diligent effort to obtain an address for Mr. Gore in Florida, one possible address in Orlando was obtained, the materials necessary for Mr. Gore to review and sign the Supplemental Declarations were sent to this address in Florida. No response has been received.

In view of the above circumstances, it is respectfully requested that the accompanying Declaration be accepted in support of the above-referenced patent application.

Respectfully submitted,



Reg. No. 46,257

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DECLARATION OF DANIEL J.
HULSEBERG

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Daniel J. Hulseberg, hereby declare as follows:

- 1) I am a patent attorney at Abbott Laboratories, parent company of PerClose, Inc., assignee of the above-referenced patent application.
- 2) The Assignee has made efforts to obtain a Supplemental Declaration to support the presently pending claims in the above-referenced patent application. As part of their efforts, I was asked to obtain the signature of Brian Gore on the Supplemental Declaration. Mr. Gore is one of the originally named inventors on this application.
- 3) I have made the following efforts to reach Mr. Gore. I learned from persons still at the Assignee that Mr. Gore had moved to Florida. Working with my assistant, Erica J. Frolich, we determined that a possible address for Mr. Gore was 6555 Whirlaway Circle, Orlando, Florida. A memorandum to me from Ms. Frolich outlining the nature of her search is attached hereto as Exhibit A.
- 4) Based on this address, we sent a letter to Mr. Gore including copies of the Supplemental Declaration, with the patent application, and the amended claims. A copy of the cover letter which was sent to Mr. Gore is attached hereto as Exhibit B. The end of the Exhibit B, copy of the Federal Express air bill is attached.
- 5) The package was delivered to Mr. Gore on April 3, 2001, as evidence by the Federal Express Track Shipments Summary Results attached as Exhibit C.

6) To date we have not received any response to our Federal Express delivery.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Reg. No.

36,554